

## 2005 Legislation

### Background

This is a brief summary of the 2005 legislation which will impact the Department of Motor Vehicles' (DMV) operations only. It is not a complete list of all 2005 legislative bills. All changes become effective January 1, 2006, unless otherwise noted. You will be notified about changes to policies or procedures in separate memos. If you are interested in further information regarding these bills, visit the legislative information website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

### E-Mail Alerts

The e-mail alert system is free and is available to all our industry partners as well as banks and financial institutions. The new system alerts subscribers immediately when new memos or publications are placed on the DMV Internet website. To subscribe, log on to [www.emailalert.dmv.ca.gov/subscriptions.asp](http://www.emailalert.dmv.ca.gov/subscriptions.asp) and find detailed instructions. DMV will discontinue paper distribution of the handbook revisions and news memos on March 31, 2006.

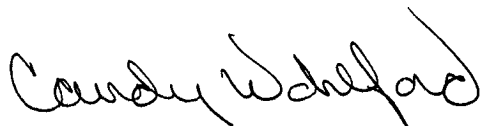
### Distribution

This memo is available online at [www.dmv.ca.gov](http://www.dmv.ca.gov) under Publications, and was distributed in hardcopy in November 2005 to the following:

- Dealers
- Registration Services
- Occupational Licensees

### Contact

Call the DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.



CANDY WOHLFORD, Deputy Director  
Communication Programs Division

Attachment

**Vehicle Registration**

<i>Code Reference</i>	<i>Comments</i>
<b>License Plate Replacement: Victims of Rape or Sexual Battery</b> Amend: <i>Vehicle Code</i> §4467	Adds a victim of rape or sexual battery to the provisions in current law requiring the department to issue replacement license plates to persons who are seeking to protect their whereabouts from persons who would cause them harm.
<b>Fingerprint Identification Fee</b> Amend: <i>Vehicle Code</i> §9250.19	Extends the collection and appropriation of the Fingerprint Identification Fee until January 1, 2012.
<b>Inspection of Maintenance Facility or Terminal</b> Amend: <i>Vehicle Code</i> §34501.12	Requires motor carriers of property to obtain a certification of compliance with the Inspection of Maintenance Facility or Terminal program from another motor carrier before contracting or subcontracting with them.
<b>Self-Employed Driver: Motor Carrier Responsibility</b> Amend: <i>Vehicle Code</i> §15242	Replaces “owner-operator” with a person who owns, leases, or otherwise operates not more than one vehicle listed in <i>Vehicle Code</i> §34500.
<b>Emissions Labels</b> Add: <i>Health and Safety Code</i> §43200.1 Amend: <i>Health and Safety Code</i> §43200	Requires the Smog Index Label to be renamed and include the level of emissions of global warming gases from passenger cars and light-duty trucks, for 2009 and subsequent year model motor vehicles.
<b>Vessel Renewal Fee</b> Amend: <i>Vehicle Code</i> §§9853, 9860, 9861, 9863	Increases the vessel registration renewal fee, collected biennially, from \$10 to \$20.
<b>Pocket Bikes</b> Add: <i>Vehicle Code</i> §§473, 9955, 21720, 21721	<p>Adds the definition of a “pocket bike” to the <i>Vehicle Code</i>.</p> <p>Adds §21720 to the <i>Vehicle Code</i>, which makes it illegal to operate a pocket bike on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.</p> <p>Requires the manufacturer to provide a disclosure statement to the buyer which clearly indicates where a pocket bike cannot be operated.</p> <p>Authorizes law enforcement to seize a pocket bike and hold it for 48 hours when the operator is cited for violation of <i>Vehicle Code</i> §21720.</p>

**Vehicle Registration**

<i>Code Reference</i>	<i>Comments</i>
<b>Dealer Sales—Smog Exemptions</b> (Transportation Omnibus Bill) Amend: <i>Health and Safety Code</i> §44015	Specifies that retail sales by a licensed motor vehicle dealer are exempt from the smog certification requirements for the type of transfers listed in subdivision (d) of §4000.1 of the <i>Vehicle Code</i> .
<b>Registration Renewal</b> (Transportation Omnibus Bill) Amend: <i>Vehicle Code</i> §4601	Authorizes the department to accept vehicle registration renewal fees up to 75 days prior to the current expiration date of a vehicle.

**Financial Responsibility**

<i>Code Reference</i>	<i>Comments</i>
<b>Insurance—Low Cost Policies and Evidence of Financial Responsibility</b> Amend: <i>Vehicle Code</i> §§4000.37, 4000.38, 16020.1, 16020.2, 16056.1 Amend: <i>Insurance Code</i> §§11629.7, 11626.71, 11629.72, 11629.73, 11629.731, 11629.74, 11629.75, 11629.76, 11629.77, 11629.78, 11629.79, 11629.8, 11629.81, 11629.84, 11629.85 Repeal: <i>Insurance Code</i> Article 5.6	Expands the California low-cost automobile insurance pilot program created in 2000 to include Alameda, Fresno, Orange, Riverside, San Bernardino, and San Diego counties and requires these new counties to begin their programs by April 1, 2006. Authorizes the Commissioner of the California Department of Insurance to establish the program in other counties, as appropriate. Increases the vehicle value to \$20,000 and allows two low cost policies per person. Extends the date that vehicle owners in Los Angeles and San Francisco Counties must show evidence of financial responsibility to January 1, 2011.
<b>Electronic Insurance Verification</b> Add: <i>Vehicle Code</i> §4000.39	Extends the statutory deadline to October 1, 2006, for the DMV to implement the electronic insurance verification required by <i>Vehicle Code</i> §4000.38, provided DMV and the Department of Finance submit periodic status reports.
<b>Electronic Verification of Insurance Status by Court Personnel</b> Amend: <i>Vehicle Code</i> §16058.1	Requires DMV to provide a method for court personnel to electronically access department records to verify financial responsibility for a motor vehicle.

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Driver License Endorsements and Certificates</b>  Amend: <i>Vehicle Code</i> §§13369, 13370, 13371, 13372, 73373, 13374, 13376, 13378	Eliminates inconsistencies and resolves confusion in the <i>Vehicle Code</i> sections that govern various certificate programs for testing for controlled substances.
<b>Driving Under the Influence (DUI)</b>  Amend: <i>Vehicle Code</i> §§13352, 14602.6	<p>Allows a repeat DUI offender to obtain a restricted driver license after 12 months of the revocation and 12 months of either an 18 or 30-month DUI program if an ignition interlock device (IID) is installed on the vehicle.</p> <p>Authorizes a 30-day impoundment of a vehicle when a person required to have an IID installed is found driving a vehicle without such a device.</p>
<b>Wilderness Areas</b>  Add: <i>Vehicle Code</i> §38301.3  Amend: <i>Vehicle Code</i> §§1803, 1807, 12810	<p>Provides that a person who violates a state or federal regulation that prohibits entry of a motor vehicle into a designated wilderness area is guilty of a public offense punishable by a fine. The fine will be \$150 for a first offense, \$225 for a second offense, and \$300 or 90 days imprisonment, or both, for a third offense within seven years.</p> <p>Authorizes the court to order impoundment of the vehicle for up to 30 days at the owner's expense, if the person convicted is the owner of the vehicle.</p> <p>Requires the DMV to keep records of convictions for seven years, however, the conviction will not count as a point on a person's driving record.</p>
<b>Motor Vehicle Speed Contests</b>  Amend: <i>Vehicle Code</i> §23109	Increases the jail time to a minimum of 30 days and a maximum of six months in jail when a person is found guilty of engaging in a motor vehicle speed contest and the driver causes injury to someone other than himself. If it is a second or subsequent offense and serious bodily injury occurs, the jail time is increased to a maximum of one year.
<b>Provisional Licensing Program</b>  Amend: <i>Vehicle Code</i> §12814.6	<p>Prohibits a provisional licensee from carrying passengers under the age of 20, unless accompanied by a licensed parent/guardian, licensed/certified instructor or a licensed driver 25 years of age or older, during the first 12 months (currently six months) the driver is licensed.</p> <p>Prohibits a provisional licensee from driving between the hours of 11 p.m. and 5 a.m. (currently 12 midnight and 5 a.m.).</p>

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Voter Registration Information</b> <b>Implementation 7/1/2006</b> Add: <i>Elections Code</i> §2250 Add: <i>Vehicle Code</i> §1679	Requires that any voter registration document provided by DMV under the National Voter Registration Act (Motor Voter) include a notice to inform a prospective voter that if no voter registration information was received within 30 days of the request to contact the local elections office or the office of the Secretary of State.
<b>Sacramento County Vehicle Impoundment Pilot—Driving Under the Influence (DUI)</b> Add: <i>Vehicle Code</i> §22651.10	Establishes a pilot program for Sacramento County that authorizes the seizure and impoundment of a motor vehicle when the driver is arrested for a DUI and has one or more DUI convictions within the past 10 years. The seizure and impoundment shall only occur if the county participates in a program that combines seizure and impoundment with intervention and a referral to a DUI program.  The Board of Supervisors of Sacramento County must enact an ordinance or resolution authorizing the implementation of the pilot program for this section to apply.
<b>Good Driver Discount—DUI and Manslaughter Convictions</b> Amend: <i>Insurance Code</i> §1861.025	Prohibits a person from receiving a Good Driver Insurance Discount if convicted of a DUI or manslaughter within 10 years of the date the application is made. Convictions prior to January 1, 1999, will not count for the purposes of this section.
<b>Organ and Tissue Donor Registry</b> <b>Implementation 7/1/2006</b> Amend: <i>Vehicle Code</i> §12811	Requires the application for driver license and identification card to contain a space for the applicant to give consent to be an organ and tissue donor upon death.  Requires the DMV to electronically transmit applicant information to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registry.  Provides a means for an applicant to designate a voluntary contribution of \$2 to Donate Life California for the purpose of promoting and supporting the organ and tissue donation program.
<b>Police Pursuits</b> Add: <i>Vehicle Code</i> §1666.1, 2911 Amend: <i>Vehicle Code</i> §§2800.1, 2800.3, 14602.1, 17004.7 Amend: <i>Government Code</i> §13955 Amend: <i>Penal Code</i> §13519.8	Requires DMV to include a question in all non-commercial drivers license examinations that deals with the risks and punishments associated with evading a law enforcement vehicle.  Significantly increases fines and jail/prison time for persons who flee from law enforcement in a vehicle.  Requires law enforcement agencies to implement a police pursuit policy and to provide related training.
<b>Motorized Scooter Driver License Requirements</b> (Transportation Omnibus Bill) Amend: <i>Vehicle Code</i> §12804.9	Adds a person with a Class M or M1 license is authorized to operate a motorized scooter.

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Schoolbus Drivers Certificate</b> (Transportation Omnibus Bill) Amend: <i>Vehicle Code</i> §§15275.1, 12519	Allows the issuance of a schoolbus endorsement to a mechanic or a driver-trainee to allow them to operate a schoolbus without having possession of a schoolbus certificate, provided no pupils are being transported.

**Occupational Licensing**

<i>Code Reference</i>	<i>Comments</i>
<b>Car Buyer's Bill of Rights</b> Add: <i>Vehicle Code</i> §§11713.18, 11713.19, 11713.20, 11713.21 Amend: <i>Vehicle Code</i> §11709.2 Add: <i>Civil Code</i> §§2982.2, 2982.10 Amend: <i>Civil Code</i> §§2981, 2982 Add: <i>Revenue and Taxation Code</i> §6012.3	Requires a seller to offer the buyer the choice to purchase a two-day contract cancellation option on used vehicles with a purchase price of less than \$40,000.  Creates additional disclosure requirements for the purchase of add-on items.  Limits the amount a dealer may add as extra "markup" when arranging financing.  Requires dealers to provide the buyer with the buyer's credit score and explain the meaning of that score.
<b>Registration Services</b> Amend: <i>Vehicle Code</i> §§505.2, 11400, 11405, 11406	Expands the definition of a "registration service" to include those entities that solicit and receive applications for the issuance of Motor Carrier Permits.  Authorizes the department to refuse to issue a license, suspend, revoke, or cancel the license of a person acting as a registration service when fraud or violations of the <i>Vehicle Code</i> have occurred.
<b>Driver Education—Private Schools</b> Repeal and Add: <i>Education Code</i> §51220.6	Provides that the satisfactory completion by a pupil of an Internet-based correspondence, or other distance-learning course offered by a private secondary school meets the driver education instructional requirements of the DMV.  Requires the DMV to issue completion certificates to the school under specified conditions.
<b>Definition of a Dealer</b> (Transportation Omnibus Bill) Amend: <i>Vehicle Code</i> §285	Adds a person who sells snowmobiles to the definition of dealer.

**Records Access & Confidentiality**

<i>Code Reference</i>	<i>Comments</i>
<b>Electronic Transmissions</b> Amend: <i>Vehicle Code</i> §1801.1	Provides that an electronically submitted signature may meet signature requirements if the department retains information verifying the identity of that person.
<b>Deceptive Identification Documents</b> Amend: <i>Penal Code</i> §483.5	Makes it unlawful to possess a document-making device with the intent to manufacture, alter, or authenticate a deceptive identification document, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$1000, or by both.  Authorizes law enforcement to seize any document-making device and allows it to be destroyed by order of the court.
<b>Personal Information</b> Amend: <i>Civil Code</i> §1798.24 Amend: <i>Welfare and Institution Code</i> §10850	Revises the Information Practices Act to permit state agencies to disclose personal information to the University of California, or a nonprofit education institution conducting scientific research, provided that it is approved by the Committee for the Protection of Human Subjects on behalf of the California Health and Human Services Agency.

**Administration**

<i>Code Reference</i>	<i>Comments</i>
<b>Use of State Property</b> Add: <i>Government Code</i> §14682	Grants the Department of General Services the authority to make final decisions on the use of existing state-owned and state-leased facilities.
<b>Public Contracts</b> Amend: <i>Government Code</i> : §§8355, 12990, 14851  Amend: <i>Public Contracts Code</i> §§6108, 10286.1, 10295.1, 10296  Amend: <i>Public Resources Code</i> §§42480, 42498	Exempts credit card purchases for goods of less than \$2500 from various certification requirements for vendors and contractors who bid on public contracts. The total exemption for each company per year cannot exceed \$7500.  Eliminates a sunset clause and makes permanent the provision of state law that permits the Office of State Publishing to accept paid advertisements, with the exception of paid political advertisements, in materials printed by the state.
<b>Contract Bidding</b> (Transportation Omnibus Bill) Amend: <i>Public Contract Code</i> §5103	Specifies that weekend days and holidays are not counted as part of the five-day period after a bid has been submitted to a public agency in which the bidder has the opportunity to claim that the bid includes a mistake that makes it materially different than the bidder intended.